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## UNITED STATES DISTRICT COURT

### NORTHERN DISTRICT OF CALIFORNIA

### SAN FRANCISCO DIVISION

22          LIFESCAN, INC. and LIFESCAN  
 23          SCOTLAND, LTD.,

Plaintiffs,

v.

25          SHASTA TECHNOLOGIES, LLC,  
 26          DECISION DIAGNOSTICS CORP.,  
 27          PHARMATECH SOLUTIONS, INC., and  
               CONDUCTIVE TECHNOLOGIES, INC.,  
               Defendants.

Case No. CV11-04494-WHO

### ORDER STAYING PROCEEDINGS

28          ORDER STAYING PROCEEDINGS  
               NO. CV11-04494-WHO

Having reviewed the parties' Joint Statement Regarding Staying Causes of Action, and pursuant to agreement by all parties and for good cause shown, and subject to the exceptions set forth in this Order, all proceedings concerning Count III of the First Amended Complaint (infringement of the '105 patent (Dkt. No. 170 ¶¶ 54-60)), and all proceedings concerning the Third through Sixth Claims for Relief in the Amended Answer and Counterclaims of Defendants PharmaTech Solutions, Inc. and Decision Diagnostics Corp. (Dkt. No. 346 ¶¶ 70-96), are hereby stayed pending a final decision by the Patent Trials and Appeals Board ("PTAB") in the pending *inter partes* review ("IPR") of U.S. Patent No. 7,250,105 (the "'105 Patent"). When the PTAB issues a final decision in the IPR concerning the '105 Patent, the Court, on the request of any party, may consider whether the stay provided in this paragraph should, or should not, continue during the pendency of any appeals from that final decision.

If the Federal Circuit affirms the preliminary injunction in this case (Dkt. No. 246), this Court will consider, if requested by any party, whether this stay should, or should not, extend to proceedings, if any, to enforce the preliminary injunction.

The stay that is the subject of this Order does not apply to the Order to Show Cause Why LifeScan should not be held in contempt (Dkt. No. 336) or LifeScan's Motion to Modify the Protective Order (Dkt. No. 368).

The stays previously ordered by this Court (Dkt. Nos. 245 and 294) are not affected in any way by this Order.

Any party may move to modify or lift the stay ordered herein for good cause shown.

IT IS SO ORDERED.

Dated: October 8, 2013

By:



Honorable William H. Orrick  
United States District Judge

ORDER STAYING PROCEEDINGS,  
NO. CV11-04494-WHO